

BEFORE THE BOARD OF MEDICAL EXAMINERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PROPOSED  
amendment of ARM 24.156.606 ) AMENDMENT  
pertaining to examination )  
 ) NO PUBLIC HEARING  
 ) CONTEMPLATED

TO: All Concerned Persons

1. On July 14, 2003, the Board of Medical Examiners (Board) proposes to amend the above stated rule.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners no later than 5:00 p.m., on July 2, 2003, to advise us of the nature of the accommodation that you need. Please contact Jeannie Worsch, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1-800-253-4091; TTD (406) 444-2978; facsimile (406) 841-2363; e-mail dlibsmed@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.156.606 EXAMINATION (1) remains the same.

(2) USMLE Step III must be taken within seven years of the applicant's first examinations under (1)(c) ~~above unless the applicant is or has been a student in a recognized M.D./Ph.D. program in a field of biological sciences tested in the Step I content. Applicants seeking an exception to the seven-year rule shall present a verifiable and rational explanation for being unable to meet the seven-year limit.~~

(3) through (6) remain the same.

AUTH: 37-3-203, MCA

IMP: 37-3-306, 37-3-307, 37-3-308, 37-3-311, MCA

REASON: There is reasonable necessity to amend ARM 24.156.606 in order to allow otherwise qualified applicants who have delayed taking the USMLE Step III on account of being in a joint M.D./Ph.D. program to explain why their course work precluded their taking Step III within seven years. The Board has recently become aware of an apparently otherwise qualified applicant whose ability to become licensed in Montana is jeopardized by the application of the existing version of the rule. The Board believes that applicants may have valid reasons for not taking Step III within the seven-year period,

and the proposed amendment allows the Board to consider those reasons.

4. Concerned persons may present their data, views or arguments in writing to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2363, or by e-mail to [dlibsmed@state.mt.us](mailto:dlibsmed@state.mt.us), and must be received no later than 5:00 p.m., July 10, 2003.

5. If persons who are directly affected by the proposed amendment wish to express their data, views and arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments they have to Jeannie Worsech, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2363, or by e-mail to [dlibsmed@state.mt.us](mailto:dlibsmed@state.mt.us). The comments must be received no later than 5:00 p.m., July 10, 2003.

6. If the Board receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the appropriate administrative rule review committee of the legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be 25 persons based on approximately 250 new applicants.

7. An electronic copy of this Notice of Public Hearing is available through the Department's and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/med>. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address does not excuse late submission of comments.

8. The Board of Medical Examiners maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to

receive notices and specifies that the person wishes to receive notices regarding all Board of Medical Examiners administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2363, e-mailed to dlibsmed@state.mt.us, or may be made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

10. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

11. The Board of Medical Examiners will meet by conference call on July 14, 2003, at 7:00 a.m., to consider the comments made by the public, the proposed responses to those comments, and take final action on the proposed amendment. Interested persons may listen to the conference call at the Board's offices on the fourth floor of the Park Avenue Building, 301 South Park Avenue, Helena, Montana.

BOARD OF MEDICAL EXAMINERS  
Anne M. Williams, M.D., CHAIRMAN

/s/ WENDY J. KEATING  
Wendy J. Keating, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Alternate Rule Reviewer

Certified to the Secretary of State June 2, 2003